

City of Newport Beach

Coastal/Bay Water Quality Citizens Advisory Committee Minutes

Date: July 14, 2011
Time: 3:00 p.m.
Location: Fire Conference Room

1. Welcome/Self Introductions

Committee Members present:

Chairwoman/Mayor Pro Tem Nancy Gardner
Dennis Baker
George Drayton
Tom Houston
Jim Miller
Roberta Jorgensen
Randy Seton

Guests present:

Monica Mazur
Jim Mosher
Dan Purcell
Jack and Nancy Skinner
Steve Bender, Newport Bay Conservancy
Roger Mallett, Executive Director of the Newport Bay Conservancy
Jerry King, Newport Bay Conservancy

Staff present:

Dave Kiff, City Manager
Bob Stein, Assistant City Engineer
John Kappeler, Water Quality
Shane Burckle, Water Conservation Coordinator
Shirley Oborny, Exec. Assistant to the City Manager
Jenny Sudo, Administrative Assistant to the Asst City Manager

2. Approval of Previous Meeting's

The minutes from the June 9, 2011, meeting were approved.

3. Old Business

(a) Bay and Ocean Bacteriological Test Results

Monica Mazur reviewed the new data (one month worth) within Newport Bay and along the ocean shoreline.

4. New Business

(a) Presentation by Shane Burckle, Water Conservation Coordinator

Mr. Burckle gave a PowerPoint presentation on the Water Quality/Water Conservation Resident Survey Results (see attached). He told the committee that after he incorporated their suggestions into the draft survey questions, the

questionnaire was sent out in the City Manager's Newsletter and was also made available online for residents to take.

After reviewing the results with the committee, Mr. Burckle said he thinks the results show residents are very conscious of the environment and water quality. Discussion ensued:

- Ms. Mazur suggested a summary of the results be placed in the City Manager's Newsletter;
- Mr. Burckle talked about the various presentations both he and Mr. Kappeler give that help to educate adults and students;
- In response to Mr. Baker, Mr. Burckle stated that water bill inserts, the City Manager's Newsletter and "Dave's Corner" were all used to advertise the availability of the online survey;
- Chairwoman Gardner suggested a presentation be given at a Study Session to help clarify the difference between storm drains and sewer systems;
- Chairwoman Gardner also suggested making a presentation to the various Business Improvement Districts (BIDs);
- Mr. and Mrs. Skinner volunteered to distribute "The Ocean Begins at Your Front Door" brochures from their booth during the Orange County Fair.

5. Public Comments on Non-Agenda Items

Ms. Mazur said she had available to anybody who was interested brochures regarding a fish contamination education collaborative from the Orange County Environmental Health Agency.

Mr. Skinner talked about a letter he sent to the EPA regarding new standards for enterococci for water quality. They will keep enterococci as the indicator. Both the San Diego and Los Angeles Regional Boards have added a natural source exclusion clause within their basin plans to deal with the natural sources of enterococci. Everybody was hoping that if the EPA ruled out human sewage the bay could be removed from the 303(d) list as being contaminated. That doesn't look like that will happen. The EPA had not responded to his letter at this time. Mr. King heard that the EPA is receiving a lot of input on the issue.

(b) Presentation by Roger Mallett, Newport Bay Conservancy

Roger Mallett gave a PowerPoint presentation on the Big Canyon Project (attached).

- Mr. Stein asked if most of the salt marsh bird's beak is in the northern portion:
 - Mr. Mallett said it sprouts differently throughout the years.
- Mr. Stein asked what the agreement that created the fresh water ponds says about the maintenance of the ponds:
 - Mr. Mallett says he did not locate a document that specified anything about maintenance; however, because it was a mitigation requirement for putting in the sewer line, then the obligation would be to maintain it.
- Mr. Kiff asked if Mr. Mallett has seen the document that requires the mitigation:
 - Mr. Mallett said he has seen the original design documents. Various sources have indicated that the agreement was between the Sanitation District, The Irvine Company, the City of Newport Beach and the Friends of Newport Bay. The land was deeded over to the Department of Fish and

Game (DFG). He has seen paperwork from 1982 and 1983 that talks about the maintenance of the flood control mechanisms and whose design it really was. Some documents showed it as DFG and some as the City. He said the fresh water pond is a significant contributor to the bio-diversity of the canyon into the bay.

- Ms. Skinner said she's having a hard time understanding why the pond should be restored if it wasn't right to create it in the first place. Chairwoman Gardner also wanted to know what sort of maintenance would be required:
 - Mr. Mallett agreed that it is a complex set of issues and not doing anything might be a viable alternative; however, that can't be decided until meetings with all of the stakeholders have been held. If nothing is done, the question is what kind of habitat will end up taking over.
 - In response to Chairwoman Gardner's question, Mr. Mallett agreed that part of the study would be to decide whether to allow a natural habitat to take over or to do something else with that area.
 - Mr. Mallett said there would be 2-3 months of meetings with all the stakeholders to decide what the goal is, why and whether it's the best way.
- Mr. Baker made several comments:
 - The pond doesn't have bio-diversity because the African Clawed Frog have wiped out the diversity;
 - There shouldn't have been a pond there to begin with;
 - DFG wanted the pond for the Western Pond Turtle, which isn't in there;
 - A native plant park that's planted will not take care of itself;
 - What happens in Big Canyon will be a man-made design, predominately native and will require 20 to 30 years of maintenance to keep the design;
 - The pond may not be worth it.
- Mr. Houston felt the pond doesn't make sense to him, financially or as a naturalist.
- Mr. Seton says he's seen different mitigation projects over the years and none of them seem to work. He thinks it could be a waste of funds.
- Mr. King said:
 - the pond is a victim of financing;
 - allowing invasive species to stay will change the population of the native species of the habitat and affect the animals who live off them;
 - there are many reasons to keep it maintained;
 - there are issues that could be the cornerstone to the resolution of the project;
 - there needs to be partners to help maintain it after it's repaired;
 - the maintenance program has to be affordable;
 - more knowledge is needed about what wildlife is there and what the value of that is.
- Chairwoman Gardner said other options should be looked at because it sounds like a high-maintenance project.
- Mr. Stein asked if the \$2.5 million from the Wildlife Conservation Board could be used for alternative projects if the pond idea doesn't pan out:
 - Mr. Mallett they would need to sell the alternative project idea to the U.S. Fish and Wildlife Service and the Coastal Commission. They would need

to get to that point where they could achieve some relaxation on the part of the agencies.

- Chairwoman Gardner wants to have a City presence at those agency meetings.
- In response to Mr. Baker, Mr. Stein agreed he has been working with the Regional Board to talk about the Selenium problem.
- Mr. Kiff asked if the Conservancy has had any new conversations with Vector Control over funding the pre-construction services:
 - Mr. Mallett explained that their staff is interested in moving forward but they need to figure out the mechanism. He said the Conservancy submitted the proposal to Mr. Stein but nothing has happened because Mr. Stein is working on the Selenium issue.
- Mr. Kiff said he would like to bypass the various individual meetings and have one lengthy meeting with all parties attending. Mr. Mallett said he thinks individual meetings help to get everybody on board. Because of the various parties involved, there needs to be an agreement as to who performs what maintenance, monitoring, etc. Discussion ensued.
- Ms. Jorgensen suggested the goals and the outcome of the project need to be prioritized because it's unclear. Mr. Stein said he could make that part of his presentation next month.

6. Topics for Future Agendas

- (a) Bacteriological Dry-Weather Runoff Gutter Study (Phase III)
- (b) Coastal Dolphin Research Program
- (c) Banning Ranch Environmental Impact Report (EIR)
- (d) Shark Mobile
- (e) Prop 84 ASBS Grant Program
- (f) SB 623 Copper Marine Paint
- (g) Green Streets Program
- (h) New EPA Recreational Water Quality Testing Criteria
- (i) Tiered Water Rates

7. Set Next Meeting Date

The next meeting was set for August 11, 2011. The meeting will be held at the Back Bay Science Center.

8. Adjournment

The meeting was adjourned at approximately 5:02 p.m.